United Nations CERD/C/LKA/Q/10-17

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninetieth session
2-26 August 2016
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined tenth to seventeenth periodic reports of Sri Lanka

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Legal and institutional framework for the implementation of the Convention (arts. 1-7)

2. Information on efforts to ensure that article 12 (2) of the Constitution is in line with the definition of racial discrimination provided in article 1 of the Convention (CERD/C/LKA/10-17, para. 13).

3. Updated information on progress towards administrative, judicial and Constitutional reform in order to bring domestic legislation into line with the Convention, as well as amendments to the Criminal Code to criminalize hate speech (CERD/C/LKA/10-17, paras. 14 and 36-40).

4. Information on measures taken to raise public awareness about the rights protected under the Convention (CERD/C/LKA/10-17, para. 145).

5. Further information on the application of customary laws, particularly where it may create inequalities, and measures adopted to ensure that customary laws are in conformity with the provisions of the Convention (CERD/C/LKA/10-17, para. 77).

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6. Detailed information, including disaggregated statistical data, on reported cases of racial discrimination and prosecutions and convictions for acts of racial discrimination (CERD/C/LKA/10-17, paras. 134-144).

7. Information on specific training for law enforcement officers, armed forces personnel, prison officers and civil officers on the rights enshrined in the Convention, and on the impact the training has had on the treatment by these officials of members of ethnic and ethno-religious minorities (CERD/C/LKA/10-17, paras. 147-152).

Discrimination against ethnic and ethno-religious minorities (arts. 2-7)

8. Disaggregated statistical data and detailed information on the enjoyment of economic, social and cultural rights by various ethnic and ethno-religious groups, including numerically smaller groups such as the Burgher, Malay, Sri Lanka Chetty and Vedda peoples, and the representation of ethnic and ethno-religious minorities, including women from such groups, at all levels of public life (CERD/C/LKA/10-17, paras. 7 and 13).

9. Updated information on the work of the Special Presidential Task Force on Reconciliation and the Office for National Unity as it relates to the ongoing process of reconciliation and ensuring the non-recurrence of civil war, and on the establishment of the Commission for Truth, Justice, Reconciliation and Non-recurrence and its mandate (CERD/C/LKA/10-17, para. 14).

10. Detailed information on the existence and impact of special measures to overcome discrimination faced by ethnic and ethno-religious groups, particularly in the fields of employment, education, housing and health care, and on measures taken to allow those groups to maintain their cultural, religious and linguistic identities (CERD/C/LKA/10-17, paras. 14, 82, 89, 100 and 131-133).

11. Information on the protection of members of ethno-religious minorities and their places of worship from discriminatory acts and attacks, on measures taken to prevent and investigate such acts and prosecute the perpetrators, and on efforts to promote and protect the right to freedom of religion (CERD/C/LKA/10-17, para. 79).

12. Information on the measures taken to protect human rights defenders, members of civil society and journalists, particularly those from ethno-religious and ethnic minority groups and those who advocate on ethnic and ethno-religious issues, from arbitrary arrest and detention, enforced disappearance, restrictions on their activities, attacks and stigmatization (CERD/C/LKA/10-17, para. 144).

13. Updated information on measures to exclude from domestic legislation provisions that discriminate against women, which may have a particularly detrimental effect on women from ethnic and ethno-religious groups, including on their succession rights (CERD/C/LKA/10-17, para. 78).

14. Further information on the State party's counter-terrorism programme and on steps taken to ensure that it does not discriminate in purpose or effect on the grounds of race, colour, descent or national or ethnic origin, and on measures taken to monitor the enforcement of counter-terrorism legislation to ensure that it does not have a disproportionate impact on specific ethnic or ethno-religious groups (CERD/C/LKA/10-17, paras. 51-55).

15. Information on measures taken to address caste-based discrimination, particularly within the Sinhala, Sri Lankan Tamil and Indian Tamil groups, including discrimination resulting in extreme poverty, limited hereditary caste-based occupations and limitations on access to education and basic services (CERD/C/LKA/10-17, para. 13).

16. Detailed information on measures taken to protect the Vedda people from discrimination and stigmatization, and on the impact and effectiveness of special measures taken to ensure that they have access to education, health care and livelihood support (CERD/C/LKA/10-17, para. 31); and information on measures taken to compensate the Vedda people for the conversion of their traditional land into a national park, and to ensure that this does not lead to further socioeconomic marginalization or impoverishment (A/56/18(SUPP), para. 335).

Situation of internally displaced persons and non-citizens, including refugees and asylum seekers (arts. 2-7)

17. Updated information on the resettlement of internally displaced persons and refugees, particularly Tamil and Muslim ethnic minorities, and measures taken to address the challenges they face in terms of reintegration, including in employment, access to basic services and resolution of land claims, and information on the living conditions of internally displaced persons who remain in camps, including access to basic services, and measures taken to protect them from ill-treatment, torture and sexual and other forms of gender-based violence (CERD/C/LKA/10-17, paras. 25-28).

18. Information on measures taken to prevent and protect vulnerable communities, including children from ethnic and ethno-religious minority groups, from human trafficking, and on measures taken to punish perpetrators of human trafficking and provide victims with effective remedies and rehabilitation, including the impact of all those measures.

19. Information on the situation of asylum seekers and refugees in the State party, including the possibility of seeking asylum or refugee status, access to basic services, and measures being taken to prohibit discriminatory treatment against those groups, and on cases of refoulement or expulsion of refugees and asylum seekers from the State party.